

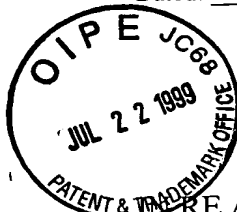
CP 1654

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited by me this day with the United States Postal Service in an envelope, postage prepaid, addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

Dated: 7-19-99

Name: C. L. D. A.
E. Victor Donahue



RECEIVED
JUL 28 1999
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICATION OF: John A. Lowe

Examiner: Cybille Delacroix-Muirheid

APPLICATION NO.: 09/007,268

Group Art Unit: 1654

FILING DATE: January 14, 1998

TITLE: Fluoroalkoxybenzylamino Derivatives
of Nitrogen Containing Heterocycles

Assistant Commissioner for Patents
Washington, D.C. 20231

Response to Requirement of Restriction and Election of Species

The present paper is in response to the Official Action of June 17, 1999 whereinby the Examiner has requested both restriction of the claims to one of inventions I through IV, as classified in the Official Action, and also election of species pursuant to 37 CFR 1.146. This Official Action replaces the Official Action of March 18, 1999, to which Applicant timely responded, but which the Patent Office, in its proper discretion, has decided to replace.

In response and without traverse, Applicant elects the claims of Group II, that is, Nos. 1-25 (compounds); 26, 28, 30 (pharmaceutical composition); and 27, 29, and 31 (method of treatment/antagonizing effects of substance P; however, all where group "Q" as defined in claim 1 is option VII).

With respect to election of a specific chemical species, Applicant elects the species of claim 9, that is, (2S, 3S)-3-(2-methoxy-5-trifluoromethoxybenzyl)-amino-2-phenylpiperidine. A depiction of the compound is provided on the attached sheet. Claims readable thereon are Nos. 1, 9, 19, 22, and 24-31.

With respect to claims 27, 29 and 31, Applicant elects depression as clinical condition.

Attention is also respectfully directed to U.S. Patent 5,773,450 (Serial No. 08/167,881, copy attached), of which the present application is a divisional. The Examiner is

requested to note the similarity between composition claims issued therein, and as pending herein (issued claim 6 is identical to pending claim 9).

RECEIVED

JUL 28 1999

It is suggested that upon indication of allowability herein as to the method of use claims, Applicant would be willing to cancel the claims directed to compounds *per se*. Consideration of pharmaceutical composition claims is also respectfully requested. However, the Examiner is welcome to contact the undersigned to propose any other strategies for consideration of the claims herein.

No fee is believed due for submission of this response, since the due date fell on Saturday July 17, 1999, which is extendable to the following Monday. However, in the event that the Patent Office determines that a fee is due, authorization is hereby provided to charge the **Pfizer Deposit Account, No. 16-1445**.

Respectfully submitted,

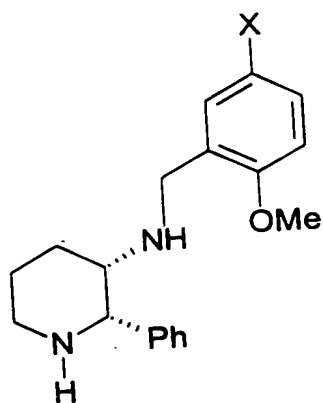


E. Victor Donahue, Ph.D.
Reg. No. 35,492
Attorney for Applicants

Pfizer, Inc.
Legal Department, 20th floor
235 East 42nd Street
New York, NY 10017-5755
(212) 733-2739



09/007,268
July 19, 1999
attachment to response
to Restriction Requirement



where X= $\text{OC}(\text{F})_3$

The above-depicted compound is elected, and
is the species of present claim 9. It is
also the subject of claim 6 in parent 08/167,881